

prepare food for such purpose under insanitary conditions. The Federal Food, Drug, and Cosmetic Act does not provide that parties shall avoid doing such things if it is possible, it provides that it shall not be done at all. A party who cannot prepare proper food products under sanitary conditions must cease putting such products into interstate commerce. It is obvious that in the instant case the defendant cannot comply with the Federal Food, Drug and Cosmetic Act without a drastic rehabilitation of his premises, and that until such drastic rehabilitation is made that he should be enjoined from shipping or offering to ship in interstate commerce bakery products prepared on the premises in question."

On May 21, 1945, the defendant having consented, the preliminary injunction was made permanent. The court retained jurisdiction for the purpose of modifying or dissolving the decree, but ordered that no application for modification or dissolution be made prior to January 1, 1946.

S309. Adulteration of bakery products. U. S. v. Harvey R. Jones (New York Bakery). Plea of nolo contendere. Fine, \$270. (F. D. C. No. 14297. Sample Nos. 85707-F, 85709-F, 85713-F, 85715-F, 85719-F.)

INFORMATION FILED: March 16, 1945, District of Colorado, against Harvey R. Jones, doing business as the New York Bakery, Durango, Colo.

ALLEGED SHIPMENT: On or about August 12 and 14, 1944, from the State of Colorado into the State of New Mexico.

LABEL, IN PART: "Enriched Dutch Maid Bread," "Maple Bar," "Chocolate Malted Milk Cake," or "Cup Cakes."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of filthy substances by reason of the presence of insect parts and fragments, larvae, rodent hairs, whole beetles, hairs resembling rodent hairs, and a hair resembling a cat hair; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they might have become contaminated with filth.

DISPOSITION: July 23, 1945. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$250 on count 1, and \$5 on each of the other 4 counts, a total fine of \$270.

S310. Adulteration of fruit cake. U. S. v. 124 Fruit Cakes and 420 Boxes of Fruit Cake. Default decrees of condemnation and destruction. (F. D. C. Nos. 14864, 14903. Sample Nos. 79877-F, 83049-F.)

LIBELS FILED: On or about December 26, 1944, and January 5, 1945, District of Connecticut and Eastern District of Virginia.

ALLEGED SHIPMENT: On or about October 16 and November 10, 1944, by the Affiliated Bakers (Spilkes Bakery), from Brooklyn, N. Y.

PRODUCT: 124 1-pound fruit cakes at Waterbury, Conn., and 420 boxes, each containing 1 2-pound fruit cake, at Richmond, Va.

LABEL, IN PART: (Cakes) "Fruit Cake," or (boxes) "Golden Harvest Fruit Cake."

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

DISPOSITION: February 6 and 16, 1945. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

S311. Misbranding of bread. U. S. v. Fluhrer Bakeries. Plea of guilty. Fine, \$75. (F. D. C. No. 14311. Sample Nos. 71059-F, 71060-F, 71204-F.)

INFORMATION FILED: April 20, 1945, District of Oregon, against Fluhrer Bakeries, a partnership, Medford, Oreg.

ALLEGED SHIPMENT: Between the approximate dates of March 13 and June 13, 1944, from the State of Oregon into the State of California.

LABEL, IN PART: "Large White 1½ Lb. Sliced Loaf Fluhrer's White Enriched Sliced."

VIOLATION CHARGED: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents